

Prob12C
DMA (3/2005)

**United States District Court
for the District of Massachusetts
Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

Name of Offender: Scott Myers

Case Number: 03-CR-10370

Name of Sentencing Judicial Officer: The Honorable Douglas P. Woodlock, U.S. District Judge

Date of Original Sentence: August 4, 2005

Date of 1st Violation: September 27, 2006

Date of 2nd Violation: February 22, 2007

Original Offense: Conspiracy to Possess with Intent to Distribute and to Distribute Marijuana, in violation of 21 U.S.C. § 846

Original Sentence: 24 months of imprisonment followed by 3 years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: September 9, 2005

Date Supervision Re-Commenced: October 19, 2006

Date Supervision Re-Commenced: February 22, 2007

Asst. U.S. Attorney: Rachel E. Hershfang

Defense Attorney: Jonathan Shapiro

PETITIONING THE COURT

- [X] To issue a warrant
[] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

I **Violation of Standard Condition #2: The defendant shall report to the probation officer, and shall submit a truthful and complete written report within the first five days of each month.**

- A. On September 6, 2007, the defendant was scheduled for an office visit. On September 6, 2007, the defendant phoned the probation office and indicated that he was too busy at work and could not report by 5:00 PM. He was directed to submit employment verification and did so on September 7, 2007.
- B. On October 16, 2007, the defendant was sent a certified letter to report to the probation office on October 23, 2007, at 9:00 AM. On October 23, 2007, the defendant phoned the probation department and requested that appointment be rescheduled until October 25, 2007, at 8:30 AM.

On October 25, 2007, the defendant failed to report as scheduled. He left a voice-mail message later that night indicating that he failed to report due to work and troubles with his car.

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- C. On November 6, 2007, the defendant was sent a certified letter to report to the probation office on November 15, 2007, at 4:00 PM. This letter was sent after the probation department was unable to make contact with the defendant by phone.

On November 15, 2007, the defendant phoned the probation officer and indicated that he was too busy at work. He agreed to report to probation on his next day off which was scheduled for November 20, 2007.

On November 20, 2007, the defendant failed to report as scheduled. On November 21, 2007, the defendant left a voice-mail message indicating that he would report on November 23, 2007.

On November 23, 2007, the defendant reported to the probation department. He was reprimanded for his failure to report as scheduled and was re-enrolled in the random urinalysis color code program.

- D. On January 15, 2008, the defendant contacted the probation department and requested permission to travel to Connecticut for work. He was granted permission to travel for work and directed to report to the probation office upon his return. The defendant failed to report as required.

- E. On January 18, 2008, the defendant was contacted by phone to inquire about his failure to report on January 15, 2008. The defendant indicated that it was not clear to him that this writer wanted him to report that date, and he was in Connecticut longer than he anticipated. The defendant was directed to report to probation on January 22, 2008.

On January 22, 2008, the defendant failed to report to probation.

- F. On January 22, 2008, the defendant was sent a certified letter to report to the probation office on January 29, 2008, at 4:00 PM.

On January 29, 2008, the defendant phoned the probation office and indicated that he could not report. He was advised that he needed to report by 5:00 PM. The defendant indicated that he was on his way. He failed to report as scheduled.

- G. On January 31, 2008, the defendant was notified by certified mail that he was required to report for an Administrative Hearing on February 5, 2008 at 8:30 AM.

On February 5, 2008, the defendant phoned the probation officer as well as the supervising probation officer to indicate that he was having car troubles. He was directed by Supervising Probation Officer Brian McDonald to report as soon as possible. Mr. Myers failed to report for his Administrative Hearing.

The probation department attempted to contact the defendant by phone but it was disconnected. To date, the defendant has not reported to the probation office.

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U.S. Probation Officer Recommendation:

The term of supervision should be:

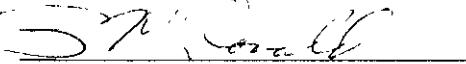
- ☒ Revoked
☐ Extended for year(s), for a total term of years.
☐ The conditions of supervision should be modified as follows:

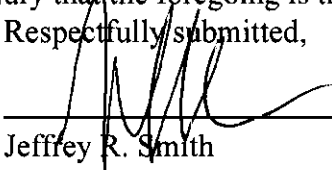
I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:

Respectfully submitted,


By


Brian McDonald
Supervising U.S. Probation Officer


Jeffrey R. Smith
Senior U.S. Probation Officer
Date: February 19, 2008

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other


The Honorable Douglas P. Woodlock
U.S. District Judge

February 24, 2008
Date